

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on July 26, 2004, the Examiner rejected claims 1 and 21 under 35 U.S.C. 102(e) as being anticipated by Hofstad et al (United States Patent No. 6,438,426, hereinafter "Hofstad"), and rejected claims 2-5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Hofstad. Accordingly, Applicants respectfully provide the following:

Rejections under 35 U.S.C. 102

In the Office Action, the Examiner rejected claims 1 and 21 under 35 U.S.C. 102(e) as being anticipated by Hofstad. Applicant respectfully submits that the claim set as provided herein is not anticipated by the cited reference.

The standard for a Section 102 rejection is set forth in M.P.E.P 706.02, which provides:

"... for anticipation under 35 U.S.C. 102, the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present."

Applicants respectfully submit that the cited reference does not teach every aspect of the amended claim set as provided herein, either explicitly or impliedly, and therefore does not anticipate the claims of the present invention. In particular, the Examiner indicated in the Office Action that claim 6 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicants respectfully submit that independent claim 1 has been amended to include the limitations of claim 6. Therefore, for at least this reason, independent claim 1 is not anticipated by Hofstad. In addition, the claims that depend from independent claim 1 are further distinguish the present invention as claimed from Hofstad, and therefore are also not anticipated by Hofstad.

In addition, Applicants respectfully submit that Hofstad does not explicitly or impliedly teach an electro-cardiac stimulation delivery system comprising a switch coupled to a defibrillator, a monitoring system, and a plurality of electro-cardiac poles, wherein the switch is configured to route a signal from the electro-cardiac poles to the monitoring system and to provide electrical stimulation from the defibrillator to the electro-cardiac poles for cardioversion or defibrillation, and wherein the electro-cardiac poles comprise at least one of: (i) a plurality of intra-cardiac electrodes; (ii) a plurality of external cardiac patches; and (iii) an intra-cardiac electrode and an external cardiac patch, as claimed in independent claim 22. Hofstad specifically teaches a single coronary sinus catheter including a distal electrode portion with optimally-spaced and sized ring electrodes and a proximal electrode portion with at least one optimally-spaced and sized larger surface electrode. (see column 1, lines 46-50) This catheter reduces energy thresholds for efficacious atrial defibrillation and allows for strategically-placed, multiple defibrillation vectors with a single catheter. (see column 1, lines 50-52) The catheter further includes at least two distal curve portions to facilitate placement of the distal electrode portion within the coronary sinus and the proximal electrode portion within the right atrium and/or other vessels. (see column 1, lines 53-56)

Accordingly, Applicants respectfully submit that the cited reference does not teach every aspect of the amended claim set as provided herein, either explicitly or impliedly, and therefore does not anticipate the claims of the present invention.

Rejections under 35 U.S.C. 103

The Examiner rejected claims 2-5 and 7 under 35 U.S.C. 103(a) as being unpatentable over Hofstad. Applicants respectfully submit that the claim set as provided herein is not made obvious by the cited reference.

The standard for a Section 103 rejection is set for in M.P.E.P 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicants respectfully submit that the reference cited by the Examiner does not teach or suggest the limitations claimed in the present invention. As provided above, the Examiner indicated in the Office Action that claim 6 was objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and intervening claims. Applicants respectfully submit that independent claim 1 has been amended to include the limitations of claim 6. Therefore, for at least this reason, independent claim 1 is not made obvious by Hofstad. In addition, the claims that depend from independent claim 1 are further distinguish the present invention as claimed from Hofstad, and therefore are also not made obvious by Hofstad.

In addition, Applicants respectfully submit that Hofstad does not teach or suggest an electro-cardiac stimulation delivery system comprising a switch coupled to a defibrillator, a monitoring system, and a plurality of electro-cardiac poles, wherein the switch is configured to route a signal from the electro-cardiac poles to the monitoring system and to provide electrical stimulation from the defibrillator to the electro-cardiac poles for cardioversion or defibrillation, and wherein the electro-cardiac poles comprise at least one of: (i) a plurality of intra-cardiac electrodes; (ii) a plurality of external cardiac patches; and (iii) an intra-cardiac electrode and an external cardiac patch, as claimed in independent claim 22.

In face, Applicants respectfully submit that Hofstad teaches away from the limitations of independent claim 22. As provided above, Hofstad specifically teaches a single coronary sinus catheter including a distal electrode portion with optimally-spaced and sized ring electrodes and a proximal electrode portion with at least one optimally-spaced and sized larger surface electrode. (see column 1, lines 46-50) This catheter reduces energy thresholds for efficacious atrial defibrillation and allows for strategically-placed, multiple defibrillation vectors with a single catheter. (see column 1, lines 50-52) Hofstad focuses on a single catheter and teaches away from electro-cardiac poles that comprise at least one of: (i) a plurality of intra-cardiac electrodes; (ii) a plurality of external cardiac patches; and (iii) an intra-cardiac electrode and an external cardiac patch, which provide increased treatment control.

Further, Hofstad does not appreciate the increased cardioversion or defibrillation control that is provided by an electro-cardiac stimulation delivery system that comprises a switch coupled to a defibrillator, a monitoring system, and a plurality of electro-cardiac poles, wherein the switch is configured to route a signal from the electro-cardiac poles to the monitoring system and to provide electrical stimulation from the defibrillator to the electro-cardiac poles for cardioversion or defibrillation, and wherein the electro-cardiac poles comprise at least one of: (i) a plurality of intra-cardiac electrodes; (ii) a plurality of external cardiac patches; and (iii) an intra-cardiac electrode and an external cardiac patch, as claimed in independent claim 22.

Accordingly, Applicants respectfully submit that for at least the reasons provided herein, the reference cited by the Examiner, alone or in combination, does not teach or suggest all the claim limitations. And, since the cited reference does not teach or suggest each and every limitation of the claims, Applicant respectfully submits that the prior art reference does not make obvious the claims as provided herein.

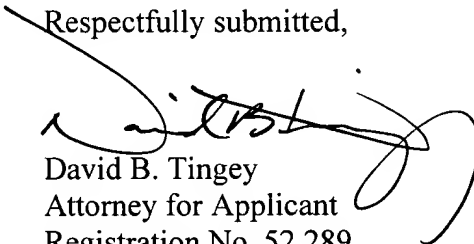
Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicants submit that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicants request favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 26th day of October, 2004.

Respectfully submitted,



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